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Remarks

Claims 1-11, 13 and 16-22 remain in the application.

Claims 9, 12, 14, 15, 23 – 31 and 53 – 59 have been canceled without prejudice.

Paragraph [0077] of the Specification has been amended to provide a term, "computer system," that encompasses one or more various computer-based components that were disclosed in the original application, thus no new matter has been added.

Claims 1-11, 13 and 16-22 have been rejected under 35 USC 101 as being directed to on-statutory subject matter. The Examiner mentions that the claimed process does not transform a particular article to a different state or thing. In response, the applicants have amended claim 1 such that the product resulting from the assembly of the plurality of components is the transformed article. In addition, the term, "computer system" has been added to the data processing steps of claims 1 and 10. In claim 10, the transformed article is the result of "building the product," as explicitly stated in the claim.

Claims 1, 2, 5-11, 13, 16, 18-20 and 22 have been rejected under 35 USC 103(a) as being unpatentable over Sanchez-Lazer et al (6,000,945), in view of Hunt et al. (5,042,668) and further in view of Binknell et al. (US 2003/0018511 A1). The applicants disagree with the rejection for the following reasons:

- 1) Regarding the relevance of Sanchez-Lazer to the present application, the applicants submit that the term, "test," has two completely different meanings. In the applicants' claim 1, "test" refers to operability or functionality and performance of a product or component (e.g., paragraph [0003]). In Sanchez-Lazer, "test" refers to a series of questions and answers (e.g., exams and quizzes) to determine mental aptitude or knowledge. In view of the Examiner's search notes and search strategy, the Sanchez-Lazer reference was not found in the target classification of Class-705, but instead found during a keyword search, wherein the Sanchez-Lazer patent was apparently found as a fluke due to the limitation of word-based searches not being able to distinguish homonyms (same word, different meaning). Applicants submit

that the Sanchez-Lazer patent pertains to the field of education and should thus be considered nonanalogous art. Nonetheless to further distance the applicants' invention from Sanchez-Lazer, claim 1 has been amended to change the expression, "appended test results," to "appended operability test results," which finds support throughout the applicants' specification (e.g., paragraph [0045]).

- 2) Sanchez-Lazer appears to disclose a method that allows a plurality of different users to assembly their own test from a common storehouse of test components. Again, this reference shares many of the same terms found in the applicants' disclosure, but the use of the terms by Sanchez-Lazer and the applicants do not correspondence or match-up. For example, Sanchez-Lazer's product is a test, while applicants' method performs a test on a product.
- 3) As a further example of the mismatch between Sanchez-Lazer and applicants' claims, Sanchez-Lazer has a plurality of users from different locations that gather components from a central source (database) to create a plurality of different finished products (i.e., a plurality of custom tests). Figure 2 of Sanchez-Lazer shows the workflow diverging from a central source of parts outward to a plurality of locations to create the plurality of products. The applicants' claim 1, however, is generally the reverse of that. The foundation of applicants' claim 1 is based specifically on "... components are manufactured by several companies at differing locations,..." And the parts from different locations effectively converge or flow to be assembled into a final product, "... assembling the plurality of components [from the different companies] to produce the product..."
- 4) Hunt et al. is another reference not found in the target classification of Class-705 but instead was apparently found by way a keyword search; consequently, here again is a mismatch between the word usage of Hunt and the applicants. For example, the "different manufacturers" mentioned in Hunt manufacture "various meters and/or testing devices," rather than manufacturing a product that is to be tested. Even if the Hunt reference were considered analogous art, which applicants maintain is not the case, the Office Action fails to point out

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where Hunt discloses any feature of claim 1. On page 5 of the rejection, the Examiner says, "*Forwarding to one of the several companies. (Col. 1, lines 17-21, shows that many different manufacturers produce testing devices).*"


The applicants, however, note that "Forwarding to one of the several companies..." is not found in column 1, lines 17-21 of the Hunt reference. Thus, the applicants submit that the Hunt reference is neither relevant nor analogous.

- 5) The Office Action fails to specifically point out where in the Bicknell reference (e.g., column, lines or drawing figures) are the "inducing" steps of claim 1 disclosed or suggested.

The applicants submit that the above-stated reasons 1 – 5 plus the reasons submitted in earlier Office Action responses also apply to dependent claim 2 – 8, independent claim 10, and dependent claims 11, 13 and 16 – 22.

In view of the above amendments and remarks, the applicant submits that the current claims are neither anticipated nor obvious in view of the cited art, thus the Examiner is respectfully requested to allow claims 1-11, 13 and 16-22.

Respectfully submitted,


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